

Russell Davis (SBN 177959)
PACIFIC JUSTICE INSTITUTE
29 Lakewood Ave.
San Francisco, CA 94127
Tel. (415) 310-6575
rdavis@pji.org

Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SELINA KEENE, MELODY FOUNTILA, MARK) Case No.: 4:22-cv-01587-JSW
MCCLURE,)

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO;
LONDON BREED, Mayor of San Francisco in her
official capacity; CAROL ISEN Human Resources
Director, City and County of San Francisco, in her
official capacity; DOES 1-100,

Defendants.

) **DECLARATION OF RUSSELL DAVIS**
) **IN REPLY TO DEFENDANT'S**
) **OPPOSITION TO PLAINTIFFS'**
) **ADMINISTRATIVE MOTION TO**
) **ALLOW EXPEDITED DISCOVERY**
) **L.R. 6-3, 7-11**
)
) Judge: The Honorable Jeffrey S. White
)
) Complaint filed: March 14, 2022
) Trial Date: None set
)

1 1. I, Russell Davis, am the attorney of record for the Plaintiffs herein. I have personal
2 knowledge of the facts in this declaration, and if called to testify about them, I would and could
3 do so competently.

4 2. Defendant has misrepresented the scope of the requested relief in Plaintiffs'
5 Administrative Motion. Quoting directly:

6 Those depositions would be that of Defendant's Persons Most Knowledgeable
7 (hereinafter PMKs) regarding imposition of the vaccine mandate, the scientific
8 underpinnings of the mandate, the documents relied on when imposing the
9 mandate, the administration of the mandate, the accommodations that were
10 granted and those that were not and the reasons why, and the basis for the
religious tests administered to the Plaintiffs, amongst other items to be
determined. The deposition order is to include material witnesses subpoenaed by
the Plaintiffs.

11 By claiming the Plaintiffs are overreaching, the Defendant would like this Court to ignore the
12 fact that the requested discovery is on point with issues raised by the Preliminary Injunction
13 Motion, i.e., "the accommodations that were granted and those that were not and the reasons
14 why, and the basis for the religious tests administered to the Plaintiffs . . ." The failure of the
15 Defendant to reasonably accommodate the Plaintiffs and its religious test designed to dispute the
16 Plaintiffs' sincerity is directly on point with issues raised by the PI Motion. Further, if the
17 vaccine mandate had no legitimate reason for existing in the first place, the whole issue of a PI
18 would be moot.

19 3. The subpoenas that I discussed with opposing counsel are not at issue in the
20 Administrative Motion for a simple reason—when and if they are issued, opposing counsel will
21 have more than adequate time to move to quash them. By bringing the subject up now, the
22 Defendant is attempting to unduly influence the Court's decisions. Opposing counsel's remark that
23 Plaintiffs have an animus for the Mayor is not only wrong but was purposely designed to poison the
24 well with this Court. On the merits, an apex witness can be deposed if there is no disruption to the
25 orderly running of her administration or business. Plaintiffs merely pointed that out, with authority
26 to back it up. The examples given to Defendant's counsel proved that the Mayor has time for a
27 deposition. In short, there was no animus.

RUSSELL DAVIS DECLARATION IN REPLY TO DEFENDANT'S OPPOSITION TO
ADMINISTRATIVE MOTION TO EXPEDITE DISCOVERY

